

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58348 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- RASULPUR District- Saran

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RANJAN KUMAR SAH @ RAJAN SAH S/O DHANANJAY SAH R/O
VILLAGE- ASHAHNI TOLI, BANSHI CHAPRA (YOGIA), PS.
RASULPUR, DIST. SARAN, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the main
application during course of the day.

The petitioner seeks bail in connection with Rasulpur
P.S. Case No. 49 of 2023 dated 08.03.2023 registered for the
offence under Sections 302, 379 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the informant and his uncle by means of lathi, danda
and sharp cutting weapon as a result which uncle of the
informant became unconscious and thereafter the accused
persons tool out Rs. 2500/- cash from his pocket.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that no accusation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against the accused persons including the petitioner. Moreover, similarly situated co-accused, Ravi Sah, Ujjawal Sharma @ Ujjawal Kumar Sharma and Sushil Kumar Singh @ Sushil Singh @ Subil Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2023, 21.08.2023 and 31.07.2023 passed in Cr. Misc. No. 43063 of 2023, Cr. Misc. No. 43247 of 2023 and Cr. Misc. No. 45173 of 2023 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.06.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Rasulpur P.S. Case No. 49 of 2023 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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